

RESIDENTIAL SAMPLE SCHEDULE B EXCEPTIONS

IOWA TITLE GUARANTY RESIDENTIAL SAMPLE SCHEDULE B EXCEPTIONS

1. **Access (Controlled):** Any rights of access to and from the following roadways, {access roadway}, including those which may be designated “controlled access facilities” by State and Local authorities.
2. **Access (None):** As the public records do not show any means of ingress or egress to or from the Land, this Commitment and the Certificate, if and when issued, shall not be construed as guaranteeing against any loss or damage by reason of lack of access to and from the Land.
3. **Access (Private Access Only, Not Guaranteed):** This Commitment and the Certificate, if and when issued, shall not be construed as guaranteeing against any loss or damage by reason of lack of access to and from the Land.
4. **Acreage Exception:** Notwithstanding Covered Risk 2(c) of the Certificate jacket, ITG does not warrant that the Land described on Schedule A actually contains the number of acres therein described or that variations in the Land would not be disclosed by a more current land survey.
5. **Affidavit of Lien:** Affidavit of Lien from {creditor name} against {debtor name} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder’s Office.
6. **Assignment of Leases and Rents:** Assignment of Rents and Leases from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder’s Office.
7. **Bankruptcy (Pending):** Statutory rights, powers and duties of the trustee in bankruptcy and the court in the bankruptcy proceedings filed by {debtor name}, on {petition filing date} in the Federal District Court for the {northern or southern district} District of Iowa in Case No. {case no.}.
8. **Buyer Search:** A buyer search of {buyer name} revealed the following judgment, which will become a lien on the Land: {judgment}.
9. **Common Wall Exception:** Encroachment of any portion of the residence located upon the Land onto the adjoining property to the {cardinal direction} and encroachment of any portion of the residence on the property to the {cardinal direction} onto the Land, and rights or interest of the adjoining owners in and relating to a party wall located along or adjacent to the {cardinal direction} line of the Land including but not limited to those rights under Iowa Code Chapter 563.
10. **Condominium Act Limitation:** Limitations and conditions imposed by the Iowa Horizontal Property Regime Act Chapter 499B.
11. **Condominium Declaration (Horizontal Property Regime):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in the Declaration of Submission to Horizontal Property Regime for {condo regime name} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder’s Office, and as amended from time to time.
12. **Condominium Owner's Association (Condo HOA) - Articles, By-Laws & Assessments:** Articles of Incorporation, By-Laws, rules, regulations, and assessments of the {condo association name} Homeowners’ Association, filed {recording date} with the Declaration of Submission of Property to Horizontal Property Regime, at {book/page; inst. no.} in the {county} County, Iowa Recorder’s Office, and as amended from time to time.
13. **Covenants (General):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements assessments, costs, and maintenance obligations filed of record in the {county} County, Iowa Recorder’s Office.
14. **Covenants (Specific):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in a Declaration of Restrictive Covenants for {subdivision name} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder’s Office, and as amended from time to time.

15. **Death of Joint Tenant:** The Vital/Death Records evidence that {decedent name} died on {date of death}. Decedent and {surviving joint tenant name} acquired title as joint tenants with full rights of survivorship by virtue of a {JTWFRS deed type} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
16. **Development Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations in the Development Agreement filed {recording date}, at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
17. **Dissolution:** Dissolution of marriage filed by {petitioner name} and concerning {respondent name}, Case No. {case no.}, filed in the Iowa District Court for {county} County. Decree filed {decree filing date} wherein the Court ordered that {obligor} pay {obligee} {award type(s)}.
18. **Driveway used by others:** Any rights to utilize the Land, whether express, implied, necessitated or otherwise, for purposes of ingress and egress to the parcel to the {cardinal direction} of the Land, including any rights for utility easements in said ingress and egress route.
19. **Easement (Appurtenant):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in {easement title} filed {recording date}, at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office. Note: Iowa Title Guaranty does not purport to guarantee title to the above easement conveyed as appurtenant to the guaranteed premises.
20. **Easement (Costs and/or Maintenance Obligations):** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in {easement title} filed {recording date}, at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
21. **Easement (General):** [Null or Easement Title, if any] Easement in favor of {easement grantee} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
22. **Encroachment (Adverse) (Neighboring property encroaches onto the Land):** Adverse encroachment of the {encroachment description} onto the Land.
23. **Encroachment (Land encroaches upon adjoining property, setback or easement):** Encroachment of {encroachment description} on the Land, upon {e.g. adjoining property, building setback line, easement}.
24. **Foreclosure (Completed):** Rights of any party interested by motion, appeal, petition or other direct proceeding to have set aside, modified or reversed any judgments and orders entered into in foreclosure Case No. {case no.} filed in the Iowa District Court for {county} County, within the time allowed by law.
25. **Foreclosure (Pending):** Pending mortgage foreclosure action regarding the mortgage disclosed in Special Exception {mortgage special exception number} above was filed {petition filing date} in the Iowa District Court for {county} County, Case No. {case no.}, by {plaintiff}, and against {defendant(s)}.
26. **Foreclosure (Sheriff's Sale):** Right, title and interest of {certificate holder} under a certificate of sale dated {certificate date} issued pursuant to judgment of foreclosure entered {foreclosure decree filing date} in the Iowa District Court for {county} County, Case No. {case no.}, and all parties claiming thereunder.
27. **Form 900/901 General Exception:** Declarations, covenants, restrictions, easements, reservations, rights, options, assessments, costs, and maintenance obligations filed of record with the recorder's office of the county in which the Land is located.
28. **Homeowner's Association (HOA) – Articles, By-Laws & Assessments:** Articles of Incorporation, By-Laws, rules, regulations, and assessments of the {HOA name} Homeowners' Association, filed {recording date} with the Declaration at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, and as amended from time to time.

29. **Judgment (Bankruptcy Completed with No Lien Avoidance):** Judgment entered {decree date} in Case No. {judgment case no.} entitled {case caption} in favor of {judgment creditor} against {judgment debtor} in the Iowa District Court for {county} County for an amount, plus interest and costs. Bankruptcy proceedings filed by {bankruptcy debtor} on {petition filing date} in the Federal District Court for the {northern or southern district} District of Iowa in Case No. {bankruptcy case no.}. Order granting discharge of debtor filed on {discharge filing date}. The record fails to reflect that the judgment lien has been avoided pursuant to 11 U.S.C. § 522(f).
30. **Judgment (Costs):** Judgment entered {decree date} in Case No. {case no.} entitled {case caption} in the Iowa District Court for {county} County against {obligor name} for costs only.
31. **Judgment (General):** Judgment entered {decree date} in Case No. {case no.} entitled {case caption} in favor of {judgment creditor} against {judgment debtor} in the Iowa District Court for {county} County for an amount, plus interest and costs.
32. **Judgment (Support):** {award(s) type} liens against {obligor}, pursuant to Case No. {case no.} entitled {case caption} entered on {decree date} in the Iowa District Court for {county} County.
33. **Lease:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in the Lease Agreement by and between {landlord/lessor}, Lessor, and {tenant/lessee}, Lessee, dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
34. **Lis Pendens:** Lis pendens notice dated {notice date} filed {filing date} by {filer name} against {defendant(s)} regarding a suit in the Iowa District Court for {county} County, Case No. {case no.}.
35. **Lot Tie Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in Lot Tie Agreement dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, providing that neither the Land nor {other property in lot tie} shall be transferred, sold or conveyed independent of one another.
36. **Memorandum of Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in the Memorandum of Agreement by and between {first party} and {second party} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office
37. **Mineral Interest Reservation:** Mineral interest reservation contained in the {document title} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, wherein {party reserving mineral interest} reserved an interest in {mineral type}.
38. **MNLR (Commencement of Work):** Any future liens against the Land pursuant to the Commencement of Work, MNLR No. {MNLR no.} posted to the Mechanic's Notice and Lien Registry ("MNLR") by {lien claimant} against {property owner(s)} on {posting date}.
39. **MNLR (Mechanic's Lien):** Mechanic's Lien, MNLR No. {MNLR no.} posted to the Mechanic's Notice and Lien Registry ("MNLR") by {lien claimant} against {property owner(s)} on {posting date}.
40. **MNLR (Preliminary Notice):** Any future liens against the Land pursuant to the Preliminary Notice, MNLR No. {MNLR no.} posted to the Mechanic's Notice and Lien Registry ("MNLR") by {lien claimant} against {property owner(s)} on {posting date}.
41. **Mobile or Manufactured Home (personal property not affixed; not taxed as real property):** Any right, title, or interest, including possessory or usufructuary rights, of any persons occupying any individual mobile home or manufactured home unit on the Land, and any right, title, or interest in or to any individual mobile home or manufactured home unit on the Land.
42. **Mortgage:** [Null or Mortgage Type, if any] Mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder's Office to secure an indebtedness of {mortgage amount}.

43. **Mortgage (Construction):** Construction Mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder's Office to secure an indebtedness of {mortgage amount}.
44. **Mortgage (Future Advance):** Future Advance Mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder's Office to secure an indebtedness of {mortgage amount}.
45. **Mortgage (HELOC):** Home Equity Line of Credit ("HELOC") Mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder's Office to secure an indebtedness of {mortgage amount}.
46. **Mortgage (Open-End):** Open-End Mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder's Office to secure an indebtedness of {mortgage amount}.
47. **Mortgage (Revolving):** Revolving Mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no} in the {county} County, Iowa Recorder's Office to secure an indebtedness of {mortgage amount}.
48. **Federal Liens, Notice of:** Notice of Federal Lien issued by the Department of Treasury, Internal Revenue Service, against {name of taxpayer} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office
49. **Ordinances:** Ordinances and regulations of the City of {property city} and County of {property county}, Iowa.
50. **Option to Purchase:** Terms, provisions, and conditions of the Option to Purchase granted to {option grantee(s)} in the {document title} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office
51. **Parties in Possession:** Any right or claim of a party in possession not shown by the Public Records.
52. **Petition and Waiver:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in Petition and Waiver for {project name/type} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
53. **Plat of Survey:** Plat of survey filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
54. **Plat (General):** Plat(s) filed in the {county} County, Iowa Recorder's Office, including easements, building setbacks, restrictions, reservations, and notations.
55. **Plat (Specific):** Plat of {subdivision name} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, including easements, building setbacks, restrictions, reservations, and notations.
56. **Probate (Initiation):** The Vital/Death Records evidence that titleholder {decedent name} died on {date of death}. Probate administration must be initiated with the Iowa District Court of {county} County. Additional requirements may be necessary once probate is initiated
57. **Power of Attorney:** Power of Attorney executed by {principal name} appointing {appointed agent name} as his/her/their Agent, dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
58. **Probate (Pending):** Probate proceeding Case. No. {case no.} filed in the Iowa District Court of {county} County on {filing date} for the Estate of {decedent name}, who died {testate or intestate}, on {date of death}. Rights of {name of admin or executor}, as {administrator or executor}.

59. **Real Estate Installment Contract:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, assessments, costs and maintenance obligations contained in the Real Estate Contract by and between {contract seller(s)}, Contract Seller(s), and {contract buyer(s)}, Contract Buyer(s), dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
60. **Right of First Refusal:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in {document title} filed {recording date}, at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
61. **Shared Driveway (No Record Agreement):** Any right, express or otherwise, by the adjoining property owner to the {cardinal direction} to utilize the driveway on the Land, and any maintenance obligations, express or otherwise, as it pertains to the driveway which appears to straddle the {cardinal direction} boundary of the Land.
62. **Shared Maintenance Agreement:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in {document title} filed {recording date}, at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
63. **Soil Conservation District Statement and Notice:** Statement and Notice to Public of Existence of Cost-Sharing Agreements from {property county} County Soil Conservation District to The Public filed {recording date} at {book/page; inst. no.} stating that certain real estate in {property county} County, Iowa may be subject to a soil conservation practice refund.
64. **Special Assessment:** Special assessment for {assessment type (e.g. sewer, water, street)} filed as Certificate No. {certificate no.} on {filing date}.
65. **Standard Exception 1 (Parties in Possession and/or Rental Property):** Any right or claim of a party in possession not shown by the Public Records.
66. **Standard Exception 2 (Survey):** Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.
67. **Standard Exception 3 (Non-record Easements):** Any easement or claim of easement not shown by the Public Records.
68. **Standard Exception 4 (Mechanics Liens):** Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
69. **Standard Exception 5 (Taxes or Special Assessments):** Any taxes or special assessments which are not shown as existing liens by the Public Records.
70. **Standard Exception 6 (Gap Exceptions):** Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I— Requirements are met.
71. **Standard Exception 7 (Current Tax Status):** The lien of the taxes for the July 1, {tax year 1} - June 30, {tax year 2}, fiscal year and thereafter, with the first half due on September 1, {tax year 2} (delinquent after September 30, {tax year 2}) and the second half due on March 1, {tax year 3} (delinquent after March 31, {tax year 3}). First installment {first installment status}. Second installment {second installment status}.
72. **Standard Exception 8 (Ordinances):** Ordinances and regulations for the city and county in which the Land is located.
73. **Standard Exception 9 (Plat General Exception):** Plat(s) filed with the recorder's office for the county in which the Land is located, including all easements, building setbacks, restrictions, reservations, and notations.
74. **State of Iowa Liens, Notice of:** Notice of Lien claimed by the State of Iowa {state agency name} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office for an amount, plus interest, costs and penalties.
75. **Stray Deed:** Stray deed from {grantor(s)} to {grantee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.

76. **Stray Mortgage:** Stray mortgage from {mortgagor(s)} to {mortgagee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no.} of the {county} County, Iowa Recorder's Office.
77. **Subordination Agreement:** Subordination Agreement from {lender granting subordination} to {lender granted priority} dated {subordination execution date}, filed {subordination recording date} at {subordination recording info (book/page; inst. no.)} in the {county} County, Iowa Recorder's Office. Said Subordination Agreement subordinates the {subordinated lien title} filed {subordinated lien recording date} at {subordinated lien recording info (book/page; inst. no.)} to the {superior lien title} filed {superior lien recording date} at {superior lien recording info book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
78. **Support Proceeding:** Support proceeding filed by {petitioner name} and concerning {respondent name}, Case No. {case no.}, filed in the Iowa District Court for {county} County. Decree filed {decree filing date} wherein the Court ordered that {obligor} pay {obligee} {award type(s)}.
79. **Survey:** [Null or Survey Type, if any] Survey filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
80. **Survey (Boundary Retracement):** Boundary Retracement Survey filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office, including all easements, building setbacks, restrictions, reservations and notations.
81. **Tax Sale:** Tax Sale whereby the lien of taxes for Parcel No. {tax id number} for fiscal year {tax year 1} - {tax year 2} was sold at tax sale, Certificate No. {tax sale cert no} on {tax sale date}, and all later taxes paid and included therein. Right, title, and interest of {tax sale purchaser}, the tax sale purchaser of said tax sale certificate.
82. **Tenants in Common:** Rights of co-tenants to partition, contribution and possession. The right of the United States government to sell the entire property to enforce a tax lien against any co-tenant of the land. The right of a creditor, trustee, or debtor in possession to sell the entire property in the event of a bankruptcy of any co-tenant of the land.
83. **Trust Limitations:** Terms, powers, provisions, and limitations of the trust under which title to the Land is held.
84. **UCC-1 Financing Statement:** Financing Statement from {debtor name} to {secured party} filed {recording date} at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.
85. **Unsubdivided Land - Easement Exception:** Rights of way for utilities, fences, ditches, drainage tiles, feeders, and laterals, if any.
86. **Unsubdivided Land - Public Highway Exception:** Rights of the Public, the Municipality, the County and the State of Iowa in and to that part of the land taken and used for roads and highway, if any.
87. **Unsubdivided Land - Riparian Exception:** Riparian, littoral, or water rights incident to the premises, if any.
88. **Urban Renewal Plan:** Terms, provisions, conditions, restrictions, reservations, rights, options, easements, costs and maintenance obligations contained in {urban renewal plan name} filed {recording date}, at {book/page; inst. no.} in the {county} County, Iowa Recorder's Office.

Notes for Information

1. **Chain of Title Request by Lender:** Participating Abstractor's title search reveals the following conveyances recorded in the {county recorder} County, Iowa Recorder's Office within the last twenty-four (24) months:
 - (a) {conveyance document} from {grantor(s)} to {grantee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no.};
 - (b) {conveyance document} from {grantor(s)} to {grantee(s)} dated {execution date}, filed {recording date} at {book/page; inst. no.}.
2. **Taxes – Amounts:** Taxes are payable in two semi-annual installments of {tax installment amount} per installment. This property is referenced as Parcel No. {tax id number}.